

IN RE: PETITION FOR ZONING VARIANCE  
W/S of Hillside Road, 859'  
4/- S of Devere Road  
106 Hillside Road  
1st Election District  
1st Councilmanic District  
Victoria P. Morrison  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-549-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 402 to allow a two (2) apartment dwelling on a lot with a width at front building line of 108.4 feet in lieu of the required 125 feet with a side setback of 8 feet in lieu of a minimum 20 feet and with a sum of both side yards of 32 feet in lieu of the minimum 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by her son, Carl C. Baumann, appeared, testified and was represented by W. Michael Seganish, Esquire. Appearing as Protestants were Emily E. King, President of the Stonewall Park Community Association, Ralph N. Blumster, Patricianne Chinn, Richard C. Thomas, Walter H. Messick, Leo J. Bateman, Joseph L. Hellman and C. Lynn Barranger.

Testimony indicated that the subject property, known as 106 Hillside Road, is improved with a one story dwelling, consists of 28,155 sq. feet and is zoned D.R.2.

Testimony indicated that the owner of the subject property, Victoria P. Morrison, apparently resides at the Mount Olive Retirement Village in North Carolina, and was physically unable, as evidenced by Petitioner's Exhibit 1, to make the trip to Baltimore for the hearing. Mr. Baumann's

proffered testimony indicated that his mother had lived at the subject property until February of 1988 at which time she relocated to North Carolina. Testimony also indicated that the subject property contains at least two apartments which are currently occupied, and that the property has been used as a two family dwelling since approximately 1955. Represented on the Petition was the fact that the Petitioner is elderly and dependent upon the rent generated by the subject property. Also represented is the fact that the Petitioner has had a difficult time selling the property with the subject zoning matter pending.

Mr. Seganish proffered that if the variance requests are not granted, the Petitioner will suffer undue hardship and practical difficulty.

Mr. Blumster is an adjoining neighbor of 20 years and testified as a Protestant. He testified that since 1969 the subject property has had two apartments, but that a third apartment was added in the basement sometime in 1987. He stated, however, that to the best of his knowledge, only two apartments in the dwelling are currently occupied. Mr. Blumster stated that it was his understanding that Mrs. Morrison was planning to have someone locally manage the property in her absence. His major objections concerned parking problems, and the potential for problems with transient-type tenants, particularly with the University of Maryland. Baltimore County located in such close proximity to this neighborhood. Mr. Blumster also had concerns regarding the upkeep of the subject property, particularly in view of the fact that Mrs. Morrison will be an absentee landlord living in North Carolina.

Mrs. King testified on behalf of the Stonewall Park Association and presented a signed Petition (Exhibits 1A thru 1J) in opposition to the

requested variances. Mrs. King indicated that the Association is very concerned about the adverse impact the proposed apartment house will have on neighborhood property values. She stated that Hillside Drive is a very narrow road without curbs or sidewalks and that parking is limited to one side of the roadway only. She stated that the Association is concerned that the concentration of automobiles resulting from an apartment house will create an unsafe situation for pedestrians on this roadway.

Mrs. Chinn testified that she has been Mrs. Morrison's neighbor since 1974 and voiced similar concerns regarding the parking problem. She stated that Mrs. Morrison's driveway is only wide enough to accommodate the single file stacking of automobiles, and submitted as Protestants' Exhibit No. 2 pictures of the subject driveway and surrounding area.

Mr. Hellman testified that he lives on the opposite side of Hillside Road from the subject property and, that he was concerned with the parking problem, which he stated is intensified on weekends when the tenants are entertaining guests.

Mrs. Barranger, a member of the Stonewall Park Association who concurred with Mrs. King's remarks, and Mr. Thomas, a local resident, both voiced concerns regarding the adverse impact the subject apartment house may have on the neighborhood property values.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "the standard for granting a variance . . . is . . . whether strict compliance with

the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In Loyola Federal Savings and Loan Association vs. Buschman, 227 Md. 243 (1961), the Court, addressing the requirements of Section 307 stated:

It is firmly settled in this State that the mere fact that some use other than that permitted under an applicable zoning ordinance would be more profitable than any use which is permitted thereunder is not enough to invalidate a use restriction, if a property can reasonably be used for some purpose for which it is adapted. (supra at 248-249)

In a suit where Petitioner failed to have a zoning ordinance ruled unconstitutional for prohibiting the use of his agriculturally zoned property for industrial use, the Court stated in Walker v. Board of County Commissioners, 116 At 2d. 393 (1955).

The mere fact that the variance would make the property more profitable is not a sufficient ground to justify a relaxation of setback requirements. The Maryland Courts have made clear the fact that the burden is on the Petitioner to carry the burden of showing that he would be deprived of all reasonable use of his property if he were not granted relief from the particular zoning ordinance at issue. Frankel v. Mayor and City Council of Baltimore, 223 Md. 98 (1959) (Emphasis added).

In the case at bar, it is the opinion of the Zoning Commissioner that the Petitioner has not met this burden.

The Petitioner stated on her Petition for Zoning Variance that "she is dependent upon the income from the property, and also represented that she has had a difficult time selling the property until the zoning is cleared up".

As reflected in the aforementioned case law, the mere fact that the Petitioner's property is less profitable, or that the real estate is less marketable, is not sufficient grounds to meet the undue hardship or practical difficulty requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) (See, Walker, supra).

Upon careful consideration of the testimony and evidence presented, it is the Zoning Commissioner's opinion that the requested variances are for the purpose of maximizing the marketability of the subject property and not for the purpose of eliminating an undue hardship or practical

difficulty, pursuant to Section 307 of the B.C.Z.R. Therefore, the requested variances must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31 day of July, 1989 that the request for a variance from Section 402 to allow a 2 apartment dwelling on a lot with a width at front building line of 108.4 feet in lieu of the required 125 feet with a side setback of 8 feet in lieu of a minimum 20 feet and with a sum of both side yards of 32 feet in lieu of the minimum 50 feet, as more particularly described in Petitioner's Exhibit 1 be and is hereby DENIED.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
cc: Peoples Counsel

cc: Mr. Carl C. Baumann, Rt. 1, Box 189, Mount Olive, N.C. 28365

Ms. Emily E. King, President, Stonewall Park Community Association, 2113 Devere Avenue, Catonsville, Maryland 21228

Mr. Ralph M. Blumster, 108 Hillside Road, 21228

Ms. Patricianne Chinn, 104 Hillside Road, 21228

Mr. Richard C. Thomas, 2315 Old Frederick Road, 21228

Mr. Walter H. Messick, 2019 Devere Avenue, 21228

Mr. Leo J. Bateman, 120 Hillside Road, 21228

Mr. Joseph L. Hellman, 109 Hillside Road, 21228

Mr. C. Lynn Barranger, 2408 Old Frederick Road, 21228

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Town, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

July 28, 1989



Dennis F. Rasmussen  
County Executive

W. Michael Seganish, Esquire  
222 Bosley Avenue, B-5  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case No. 89-549-A  
Victoria P. Morrison

Dear Mr. Seganish:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel

cc: Mr. Carl C. Baumann, Rt. 1, Box 189, Mount Olive, N.C. 28365

Ms. Emily E. King, President, Stonewall Park Community Association, 2113 Devere Avenue, Catonsville, Maryland 21228

Mr. Ralph M. Blumster, 108 Hillside Road, 21228

W. Michael Seganish, Esquire  
222 Bosley Avenue, B-5  
Towson, Maryland 21204  
page 2....

Ms. Patricianne Chinn, 104 Hillside Road, 21228

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Mr. Joseph L. Hellman, 109 Hillside Road, 21228

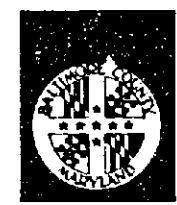
Mr. C. Lynn Barranger, 2408 Old Frederick Road, 21228







Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2336  
(301) 887-4500  
Paul H. Reincke  
Chief



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: Victoria P. Morrison

Location: W side of Hillside Road 559 ft. (+ or -) S of  
Devere Road

Item No.: 456

Zoning Agenda: May 2, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall  
comply with all applicable requirements of the National Fire  
Protection Association Standard No. 101 "Life Safety Code", 1988  
edition prior to occupancy.

REVIEWER: *Noted and Approved*  
Special Inspection Division

RECEIVED  
MAY 1 1989

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 12, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 2, 1989

The Developer Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 449, 450, 452, 455, 456, 457, 459.

For items 451 and 453 the previous County Review  
Group comments are still valid.

Comments are attached for item 458.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developer Engineering Division

RWB:s

Encl.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 23, 1989  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-549-A  
Item No. 456

Re: Victoria P. Morrison

The Petitioner requests a variance to permit a lot width of 108.4 feet in  
lieu of the required 125 feet; a side yard setback of 8 feet in lieu of  
the required 20 feet and a sum of the side yard setbacks of 32 feet in  
lieu of the required 50 feet for an existing two apartment dwelling.  
In reference to this request, staff offers no comment.

A:7128" txt Pg. 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

September 20, 1989

Mrs. Victoria Morrison  
Route 4, Box 539  
College Heights  
Mount Olive, North Carolina 28365

RE: Victoria P. Morrison, Petitioner  
Case #89-549-A

Dear Mrs. Morrison:

I am in receipt of your letter of September 18, 1989 concerning the  
above captioned matter. According to your letter and documents in my file,  
you are represented by attorney, W. Michael Segansh and it would be more  
appropriate for you to be in contact with him.

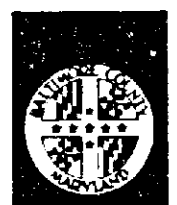
However, for your information, the only way to change the opinion of  
the Zoning Commissioner is to have that opinion overturned by the Baltimore  
County Board of Appeals. In the event the decision rendered is unfavor-  
able to any party, please be advised that any party may file an appeal  
within thirty (30) days of the date of the Order to the County Board of  
Appeals. If you require additional information concerning filing an ap-  
peal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
cc: W. Michael Segansh, Esquire  
222 Bosley Avenue, B-5  
Towson, Maryland, 21204

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

October 19, 1989

Ms. Victoria Morrison  
Route 4, Box 359  
College Heights  
Mount Olive, N.C. 28365

RE: Victoria P. Morrison, Petitioner  
Case No. 89-549-A

Dear Ms. Morrison:

Reference is made to your letter of October 10, 1989 addressed to  
the Zoning Commissioner, regarding the above referenced matter.

Please be advised that it would not be proper for the Zoning  
Office to interfere in the matters you are experiencing with your  
attorney. However, we can inform you that no appeal request was  
received in your case from W. Michael Segansh during the thirty (30)  
day time frame for filing.

However, if you still desire to file an appeal, you or your  
attorney may request the Board of Appeals consider taking in said  
appeal at this late date. You may contact the Baltimore County Board  
of Appeals at (301) 887-3180 or write to the Board at: 111 W.  
Chesapeake Avenue, Room 315, Towson, Maryland 21204.

If you require additional information concerning this matter,  
please feel free to contact me at 887-3391.

Very truly yours,

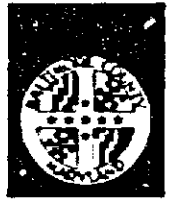
*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Appeal Clerk

/cer

cc: W. Michael Segansh, Esquire

Kathleen Weidenhammer - Board of Appeals

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

October 30, 1989

Mrs. Victoria Morrison  
Route 4, Box 539- College Heights  
Mount Olive, North Carolina 28365

RE: Case #89-549-A  
Petitioner - Victoria Morrison

Dear Mrs. Morrison:

I am returning your check #318 in the amount of \$35.00 referenced for  
a variance, together with your letters.

As I told you in my previous letter, you MUST work the matters out  
with your attorney, Michael Segansh, Esquire. Please get in touch with  
him.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
attachments

cc:  
W. Michael Segansh, Esquire  
Courthouse Commons  
222 Bosley Avenue, Suite B-5  
Towson, Maryland 21204

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

October 31, 1989

W. Michael Segansh, Esquire  
506 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

RE: Request for Reconsideration  
Petition for Zoning Variance  
W/S of Hillside Road, 859' +/- S of Devere Road  
(106 Hillside Road)  
1st Election District - 1st Councilmanic District  
Victoria P. Morrison - Petitioner  
Case No. 89-549-A

Dear Mr. Segansh:

In response to your letter dated October 24, 1989 in which you  
requested I reconsider my decision in the above-referenced matter, please  
be advised that the case is now absolute and no further consideration can  
be given. For your information, the Order issued July 31, 1989 was sub-  
ject to a 30-day appeal period in which your client could have filed a  
request for reconsideration or an appeal. Inasmuch as the 30 days expired  
on or about August 31, 1989, your request for reconsideration is moot.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Case File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

November 2, 1989

Mrs. Victoria Morrison  
Route 4, Box 539- College Heights  
Mount Olive, North Carolina 28365

RE: Case #89-549-A  
Petitioner - Victoria Morrison

Dear Mrs. Morrison:

I am returning your letter dated October 25, 1989 and must again sug-  
gest to you that you get in touch with your attorney. However, I do advise  
you not to send any checks to the Department of Finance, or any other de-  
partment in Baltimore County Government. You do not need a new variance.  
What you do need, however, is to have your attorney file a new Petition for  
Special Hearing to amend the previous case which is case #89-549-A.

As I told you in my previous letter, you MUST work the matters out  
with your attorney, Michael Segansh, Esquire. Please get in touch with  
him.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
attachments  
cc:  
W. Michael Segansh, Esquire  
Courthouse Commons  
222 Bosley Avenue, Suite B-5  
Towson, Maryland 21204



TO: PETITIONER  
FROM: ZONING COMMISSIONER  
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a form and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing for the purpose of making the decision of law required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary process, and therefore, there must be opposition to your request. In a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will preside over the hearing and determine whether or not the variance will be granted.

Second, you must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. If you decide to have legal representation, you must file a statement of representation with the Zoning Commissioner.

Third, it is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth, no employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representation and opinion of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 307 requires the Zoning Commissioner to grant variances from height and area regulations when strict compliance would result in practical difficulty or unnecessary hardship, but only if the strict harmony with the spirit and intent of the regulations are such, in such a manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Robertson v. Board of Appeals, Inc. of Chesapeake Beach, 22 Md. App. 26*, stated:

"To prove undue hardship for a use variance the following three criteria must be met:

(1) APPLICANT MUST BE UNABLE TO OBTAIN A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY; (2) FINANCIAL HARSHNESS OR OPPORTUNITY FOR GREATER PROFIT IS NOT ENOUGH.

(2) THE DIFFICULTIES OR HARSHNESS IN RELATION TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.

(3) HARSHNESS WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

To prove practical difficulty for an area variance the following criteria must be met:

(1) WHETHER STRICT COMPLIANCE WITH REQUIREMENTS WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNREASONABLY BURDEENSOME.

(2) WHETHER THE CHART WOULD BE SUBSTANTIAL OBSTACLE TO APPLICANT AS WELL AS OTHER PROPERTIES OWNERS IN DISTRICT OF WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF.

(3) WHETHER RELIEF CAN BE GRANTED IN SUCH MANNER THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED."

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied.

This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

#### SECTION 307 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unnecessary hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for rezoning. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall include a finding of fact setting forth and specifying the reason or reasons for making such variance.

#### ZONING COMMISSIONER - WITNESS FORM

NAME: Mr. Bluster  
ADDRESS: \_\_\_\_\_  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_  
SUPPORTING: PETITIONER ☒ PROTESTANT ☒

TESTIMONY: Since sept door - was once three apt.  
Does not believe the area as possible 3 apt. but even 2 is a good idea.

Mrs. King - Traffic problems property values

Mrs. Clinn -

Mrs. Hellman - parking issues

Mrs. Barranger - same

Mr. Thomas - violations not door to the sun or old Frederick

#### ZONING COMMISSIONER - WITNESS FORM

NAME: Mr. Segansh  
ADDRESS: \_\_\_\_\_  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_  
SUPPORTING: PETITIONER ☒ PROTESTANT ☒

TESTIMONY: Mr. Bauman is son  
Anderson standard - believed he meets it

This variance is to fulfill a need or desire. This site still can be used as a home

W. MICHAEL SEGANISH  
ATTORNEY AT LAW  
COURTHOUSE SQUARE  
300 HOLLEY AVENUE, SUITE B4  
TOWSON, MARYLAND 21204  
301-337-8000

September 16, 1989

Mrs. Victoria P. Morrison  
Rt. 4, Box 539  
College Heights  
Mt. Olive, NC 28365

Re: Zoning Problem

Dear Mrs. Morrison:

As you are aware, your son, Carl, attended the zoning hearing up here in Baltimore County with me, and the Court sent your copy of the decision to him.

The Zoning Office declined to grant the variance even though there was plenty of area to allow the variance from a property standpoint. The reason I filed the variance was because it was the easiest way to attempt to resolve the problem between yourself and your neighbors.

What I would suggest now is that we file for a special exception which is a little more detailed and requires a little more time based on the length of time that has been used in this matter.

Please discuss this with Carl and call me back at your earliest convenience.

Very truly yours,

Mike Segansh

W. Michael Segansh

WMS:nrs

Please note my new office address is:

606 Brittan Avenue, Suite 106  
Towson, MD 21204

W. MICHAEL SEGANISH  
ATTORNEY AT LAW  
606 BALTIMORE AVENUE, SUITE 106  
TOWSON, MARYLAND 21204  
301-337-8000  
FAX: 301-206-4487

October 24, 1989

Baltimore County Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Attention: J. Robert Haines, Zoning Commissioner

Re: Request for Reconsideration of Zoning Variance Denial  
Case No.: 89-549-A  
W side of Hillside Road, 106 Hillside Road,  
First Councilmanic District  
Petitioner: Victoria P. Morrison

Dear Commissioner Haines:

My client has requested that I seek reconsideration of the decision dated July 31, 1989 regarding the above mentioned property.

In your decision you indicate that you have based your decision in part on the testimony of a Mr. Bluster, who did not appear to object to the property being used for two apartments but rather if the property were managed by someone locally, it would be acceptable to him.

Mrs. King, on behalf of the Stonewall Park Association, presented numerous petitions in opposition to the request for variance. However, this is not the neighborhood in which the house is located. The other persons mentioned in your opinion similarly voiced a concern, but there was no demonstrated evidence that there was a parking problem or that there was a negative impact on the property values in the neighborhood, and it appeared, in fact, from Mrs. Barranger's testimony that the property values had gone up dramatically since she had owned the property.

I feel that in reviewing the evidence it will become clear that the variance in no way interferes with the other persons' use of their property; their property values, nor would any parking or other congestion exist on the particular street in question.

Therefore, it is my feeling that the evidence relied upon is defective.

Additionally, here we have a disabled woman who has used this property as a multi-tenant situation for a number of years dating at least back to the 1950's and now she is going to be denied a similar use simply because she is now living in North Carolina.

LAW OFFICES  
W. MICHAEL SEGANISH

I am confident that upon reviewing the evidence that you will modify this decision accordingly.

Thanks for your consideration in this matter.

Very truly yours,

W. Michael Segansh

W. Michael Segansh

WMS:nrs  
cc: Mr. Carl Baumann  
Mrs. Victoria P. Morrison



P.O. Box 22  
Ellicott City, Md. 21043

RECEIVED  
JUL 25 1989

July 21, 1989

ZONING OFFICE

Mr. Robert Haines  
Zoning Commissioner  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Room 109  
Towson, Md. 21204

Dear Mr. Haines,  
With the advice from our lawyer Mr. Victor McFarland I am writing to you. On the case of V. Morrison wanted a variance at 106 Hillside Road, 1st Election District-1st Councilmanic. In our hearing of July 12th 1989, at 9:30 a.m., Mr. Segansh stated that the son of Mrs. Morrison, who was representing her lived near the property and maintained the house. Mr. Robert Baumann has an address of Rt. 4 Box 539, Mt. Olive, N.C. according to the sign-in sheet. Please consider this in the case. Also a page of petition was dropped at the hearing and I am enclosing it. That is if you can still use it.

Thank You  
Emily King  
Stonewall Park Community Association  
President  
2113 Devere Avenue  
Catonsville, Md. 21228

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
<u>Carl Baumann</u>	<u>2408 Old Frederick Rd</u>
<u>Jack B. Baumann</u>	<u>2406 Old Frederick Rd.</u>
<u>Jennie Rogers</u>	<u>2408 Old Frederick Rd.</u>
<u>Paul C. Lister</u>	<u>2410 Old Frederick Rd</u>
<u>Margie S. Saffir</u>	<u>2410 Old Frederick Rd</u>
<u>Mr. Bauman</u>	<u>3411 Old Frederick Rd 21228</u>
<u>C. L. Lister</u>	<u>14 Benning Ct 71228</u>
<u>Bonnie King</u>	<u>2413 Old Frederick Rd</u>
<u>Walt Lister</u>	<u>2415 Old Frederick Rd</u>
<u>Joe Lister</u>	<u>2417 Old Frederick Rd</u>
<u>Paul C. Lister</u>	<u>2419 Old Frederick Rd.</u>
<u>Jackie Webster</u>	<u>111 Bella Avenue</u>
<u>Arthur J. Jones</u>	<u>2419 Old Frederick Rd.</u>
<u>Lynette R. Walker</u>	<u>2402 Old Frederick Rd.</u>

(17)



DATE: 9/15/89  
FROM THE DESK OF J. ROBERTY HAINES

TO: \_\_\_\_\_ Ann Nastarovich  
\_\_\_\_\_ James E. Dyer  
\_\_\_\_\_ W. Carl Richards  
\_\_\_\_\_ James A. Thompson  
\_\_\_\_\_ R. J. [illegible]  
\_\_\_\_\_ See me immediately  
\_\_\_\_\_ Discuss with me  
\_\_\_\_\_ Prepare draft response  
\_\_\_\_\_ Please follow up  
\_\_\_\_\_ Collect \$20. See  
\_\_\_\_\_ Please handle  
\_\_\_\_\_ Please attend meeting  
\_\_\_\_\_ Prepare written report  
\_\_\_\_\_ Please file  
\_\_\_\_\_ Set up conference  
\_\_\_\_\_ Other \_\_\_\_\_

Was this case reported?  
See Mr. [illegible]

[illegible]



Swain Chapel Road and Highway 117 South  
Post Office Box 32  
MOUNT OLIVE, NORTH CAROLINA 28365  
(919) 658-6581

July 10, 1989

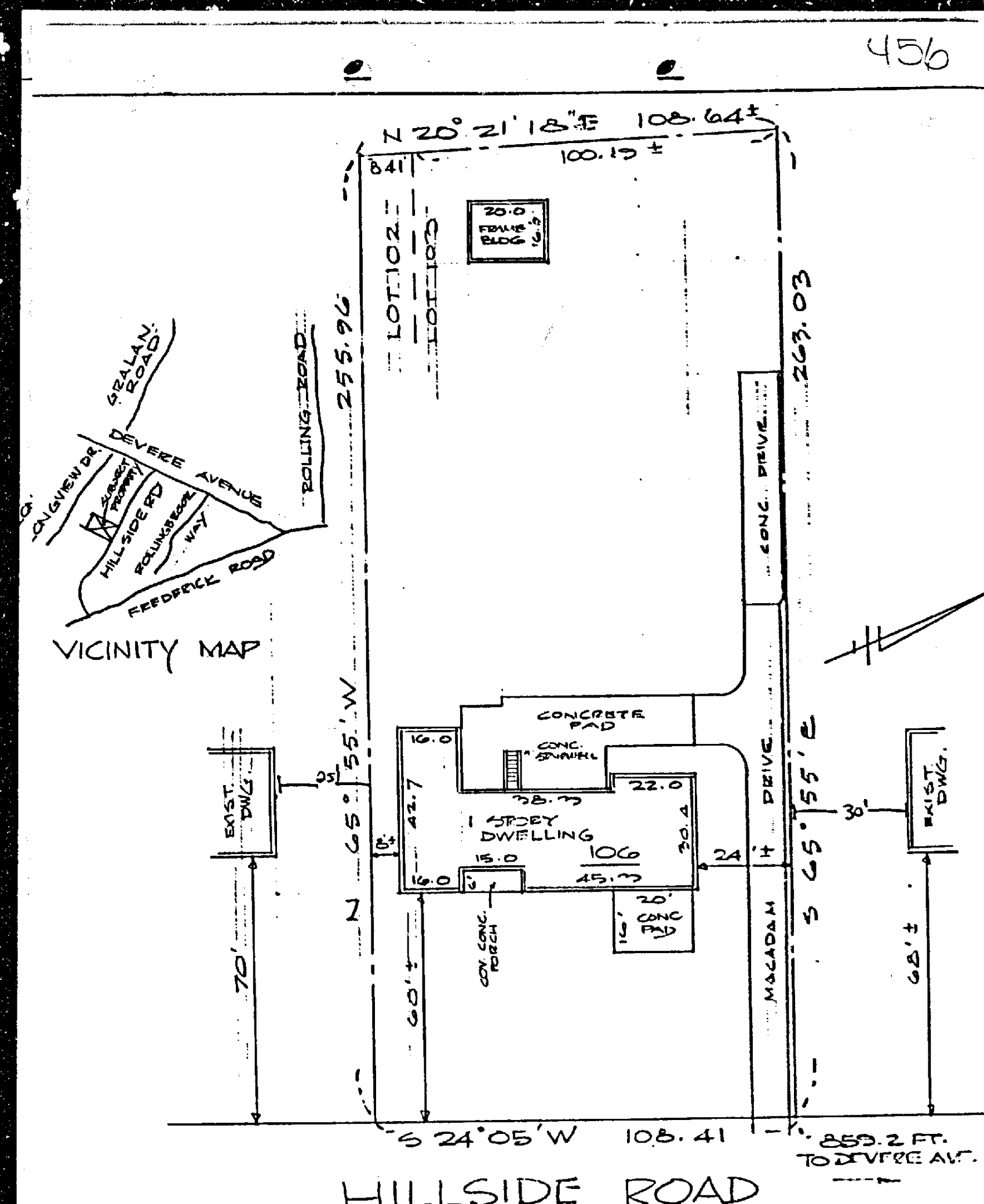
TO WHOM IT MAY CONCERN

This is to inform the above that in my opinion, Mrs. Victoria Morrison is unable to travel at this time. She has just been released from Wayne Memorial Hospital to our facility having undergone a knee operation. She cannot ride in a car except for very short periods of time in which have consisted of trips to the doctor.

As administrator of this facility; I feel that it would be unwise for Mrs. Morrison to ride several hours to Virginia for any reason. Thank you for your attention to this matter.

Kellie Adams  
*Kellie Adams*  
 Administrator of  
 Mr Olive Retirement Village

PETITIONER'S  
 EXHIBIT 1



PLAT FOR ZONING VARIANCE  
 OWNER: VICTORIA P. MORRISON  
 DISTRICT 1, ZONED D.T. 2  
 SUBDIVISION - STONEWALL FARM  
 LOT 103, PLAT BOOK W.P.C. NO. 7,  
 FOLIO 18  
 SCALE: 1" = 30'.

**PETITIONER'S  
EXHIBIT 2**

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
John M. Hoffman	123 Longview Drive
Paul Lupton	136 Longview Drive
Mary Lupton	136 " "
McGregor Y. H. H. H.	127 " "
Barbara Kroloda	127 Longview Drive
Mary O. H. H. H.	145 Longview Dr
Dr. S. D. H. H.	145 Longview Dr
Louis M. Hamilton Jr.	147 Longview Dr
Margaret B. Hamilton	147 Longview Dr
John & Margaret H. H.	149 Longview Dr
George J. Bruner	2021 Denver Ave
Robert M. Bruner	2021 Denver Ave
Joanette K. H.	2031 Denver Ave
Richard A. K. H.	2031 Denver Ave.

(14)

PROTESTANT'S  
EXHIBIT 1A.

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
Emily E King	2113 Diverse Avenue 21228
Walker King	2113 Diverse Avenue 21228
Sharon & Craig King	3114 Howard Rd. 21228
Elizabeth Lammert	2113 Howard Rd. 21228
W. Kellner	118 Stonewall Rd. 21228
Kathleen M. Lammert	119 Stonewall Road
Linda Lammert	119 Stonewall Rd. 21228
John Lammert	113 Stonewall Rd
Marlene Lammert	112 Stonewall Rd
Wendell Lammert	110 Stonewall Rd
John Lammert	110 Longmead Dr
John Lammert Jr.	110 Longmead Dr
Nancy Jane Lammert	116 Longmead Dr
R. M. Lammert	123 Longmead Dr

14

PROTESTANT'S  
EXHIBIT 1B

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS	
<i>Sam Watts</i>	2035 Duane Ave	21228
<i>Gene Watts</i>	2035 Duane Ave	21228
<i>Kathy Deringer</i>	2120 Duane Ave	21228
<i>John Deringer</i>	2120 Duane Ave	21228
<i>Mary J. Hargitt</i>	2027 Duane Ave	21228
<i>E. Hargitt</i>	2027 Duane Ave	21228
<i>Elminah A. Hargitt</i>	2019 Duane Ave	21228
<i>Walter J. Hargitt</i>	2019 Duane Ave	21228
<i>Wanda J. Hargitt</i>	2025 Duane Ave	21228
<i>Alvin A. Hargitt</i>	2023 Duane Ave	21228
<i>William A. Hargitt</i>	2023 Duane Ave	21228
<i>Harold Hargitt</i>	2144 Duane Ave	21228
<i>William Hargitt</i>	2027 Duane Ave	21228

John E. McFarland 2109 Linden Lane 21225

14

PROTESTANT'S  
EXHIBIT 1C

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
John Edwards	2116 Nevada Ave
Mike Edwards	2116 Nevada Ave.
Donald B Hay	148 Longview Dr.
Margaret E Hay	175 Longview - St.
Edna Zimmerlein	146 Longview Dr
E. J. Zimmerlein	146 Longview Dr
Elsie Chin	153 Longview Dr
Sam Chin	152 Longview Dr.
Calvin Spencer	152 Longview Dr

④ 16 TOTAL

PROTESTANT'S  
EXHIBIT 1-D

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
Theresa Krasny	1305 Old Frederick Rd.
Frank J. Lantieri	2401 Old Frederick Rd.
Estel J. Lantieri	2301 Old Frederick Rd.
Murray A. Wintner	2221 Old Frederick Rd.
Oris L. Wintner	2221 Old Frederick Rd.
Gloria Dingsbach	2219 Old Frederick Rd.
Richard F. Dingsbach	2219 Old Frederick Rd.
Charles E. Stener	2215 Old Frederick Rd.
Suzanne R. Wilson	2217 Old Frederick Rd.
John E. Wilson	2217 Old Frederick Rd.
John W. Maynard	2303 Old Frederick Rd.
Nutty P. Shuler	2303 Old Frederick Rd.
Rita M. Doyzon	2309 Old Frederick Rd.
Robert F. Doyzon	2307 Old Frederick Rd.

14

PROTESTANT'S  
EXHIBIT 1E

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
Siggey, N. G. G. G.	1219 Old Frederick Rd.
Sue Evans	9822 Old Frederick Rd.
E. L. H. H. H. H.	220 Old Frederick Rd.

PROTESTANT'S  
EXHIBIT 1F



We the undersigned, residents of the community of Stonevall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
<i>Don P. Peterson</i>	126 Hillside Rd. 21228
<i>Betty P. Peterson</i>	126 Hillside Rd. 21228
<i>Dorothy Chan</i>	205 Quince Rd. 21228
<i>R. J. Rouse</i>	125 Hillside Rd. 21228
<i>Rita P. Rouse</i>	125 Hillside Rd. 21228
<i>Angela Barmann</i>	115 Hillside Rd. 21228
<i>Kathleen Barmann</i>	115 Hillside Rd. 21228
<i>Carol M. Jones</i>	114 Hillside Rd. 21228
<i>Charles L. Whitfield</i>	112 Taunton Ave. 21228
<i>William J. Jones</i>	112 Hillside Rd. 21228
<i>Malcolm Jones</i>	114 Hillside Rd. 21228
<i>Joseph J. Jones</i>	112 Hillside Rd. 21228
<i>Edmund J. Jones</i>	109 Hillside Rd. 21228

*Joseph L. Allen* 109 Hillside Rd. 21228

**PROTESTANT'S EXHIBIT 16**

SIGNATURE	ADDRESS
<i>Paula Chinn</i>	104 Hillside Rd.
<i>John W. Jones</i>	102 Hillside Rd.
<i>Barbara W. Jones</i>	100A Hillside Rd.
<i>William J. Jones</i>	101 Hillside Rd.
<i>John W. Jones</i>	95 Hillside Road
<i>John W. Jones</i>	95 Hillside Road
<i>John W. Jones</i>	121 Hillside Rd.
<i>John W. Jones</i>	121 Hillside Rd.
<i>John W. Jones</i>	117 Hillside Rd.
<i>John W. Jones</i>	117 Hillside Rd.
<i>John W. Jones</i>	115 Hillside Rd.
<i>John W. Jones</i>	108 Hillside Rd.
<i>John W. Jones</i>	108 Hillside Rd.

**PROTESTANT'S EXHIBIT 17**

We the undersigned, residents of the community of Stonevall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
<i>William J. Jones</i>	125 Taunton Ave.
<i>Joseph R. Thomas</i>	122 Taunton Ave.
<i>Richard J. Jones</i>	118 Taunton Ave.
<i>John A. Whitfield</i>	111 Taunton Ave.
<i>James L. Jones</i>	109 Taunton Ave.
<i>John A. Whitfield</i>	109 Taunton Ave.
<i>John A. Whitfield</i>	110 Taunton Ave.
<i>John A. Whitfield</i>	118 Taunton Ave.
<i>John A. Whitfield</i>	125 Taunton Ave.
<i>Charles L. Whitfield</i>	112 Taunton Ave.
<i>Kathy Jones</i>	108 Taunton Ave.
<i>Michael J. Jones</i>	108 Taunton Ave.

**PROTESTANT'S EXHIBIT 18**

We the undersigned, residents of the community of Stonevall Park, are opposed to the zoning variation to allow the conversion of 106 Hillside Road from a single family dwelling to a two apartment complex. We feel that this will change the character of the neighborhood, from one of single family dwellings and is not in the best interest of the neighborhood.

SIGNATURE	ADDRESS
<i>Barbara J. Jones</i>	106 Taunton Ave. 21228
<i>John A. Whitfield</i>	103 Taunton Ave. 21228
<i>John A. Whitfield</i>	2315 Old Taunton Rd. 21228
<i>Richard Thomas</i>	2315 Old Taunton Rd. 21228

**PROTESTANT'S EXHIBIT 19**

39-549A

PROTESTANT(S) EXHIBIT (2)

